

## **REMARKS**

### **Status of the Claims**

Claims 1-29 are in the application, of which claims 1, 13 and 23 are in independent form. Claim 30 is withdrawn from consideration.

### **Telephone Interview Summary**

Applicant wishes to thank the examiner for the courtesies extended to the undersigned attorney and two of the three co-inventors during a telephone interview on July 20, 2005.

Applicant also appreciates the examiner's follow-up telephone call to the undersigned on July 27, 2005, in which the examiner indicated that, after reflecting on the applicant's remarks he was inclined to withdraw all rejections. The following remarks encompass substantive points made during the July 20, 2005 telephone interview.

### **Rejections Under 35 U.S.C. § 102**

#### ***U.S. Patent No. 2,678,796 of Roy***

Claims 1, 3-4, 7-9, 11-17, and 19-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Roy. Applicant traverses. Applicant is unable to find where Roy describes a load shaft adapted to be connected or secured to a mounting surface, as claimed. Rather, the isolator of Roy is coupled to rigid support (40) via casing (10), while the rod (21) of Roy is coupled to a portion of the object (O) being supported.

Applicant also is unable to find where Roy describes an actuator having a mounting end adapted to be secured to the base (claim 1) or supported on the structure (claim 13). The Office action identifies the follower (33) of Roy as corresponding to the claimed base. However, the follower (33) is slidable along the rod (21) of Roy and is not adapted to be secured thereto.

For at least the reasons set forth above, applicant believes the rejections on the basis of Roy are improper and should be withdrawn.

#### ***U.S. Patent No. 2,359,915 of Hussman***

Claims 1-3, 8-9, 11-14, 16 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hussman. Applicant traverses. The Office action identifies the spindle (47) of Hussman as corresponding to the claimed load shaft, and the base (45) of Hussman as corresponding to the claimed base. It appears that no mounting surface is shown in the figures of Hussman, but is assumed to be a surface on which the underside of base (45) rests. The spindle (47) of Hussman is secured to the upper platform (46) by welding (Hussman at p. 2, left hand column, lines 5-10). Applicant does not agree that

the spindle is “adapted to be secured to the mounting surface”, since the spindle of Hussman must be movable relative to the mounting surface. Were the spindle to be secured to the mounting surface, the device would cease to operate as a shock absorber, and would instead become an unyielding pedestal. Applicant, therefore, believes that rejections on the basis of Hussman are improper and respectfully requests that they be withdrawn.

***U.S. Patent No. 3,608,883 of Russold***

Claims 1-6, 8-9, 13-19, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Russold. Applicant traverses. The Office action fails to identify any teaching in Russold of a seismic isolator device. Russold describes a spring device and does not describe a seismic isolator for protecting a structure, as claimed. Moreover, Russold teaches a spring device that is positioned between the source of opposing loading forces, which are applied to opposite ends of the spring stack. Applicant respectfully asserts that the Office action therefore fails to identify where Russold teaches certain elements of the claimed devices, such as the relative configurations of the base, actuator, driver, and load shaft thereof, for example. Thus, applicant respectfully asserts that the rejections on the basis of Russold are improper and should be withdrawn.

**Rejections Under 35 U.S.C. § 103**

Under 35 U.S.C. § 103, claims 10 and 22-29 stand rejected over Roy in view of U.S. Patent No. 3,973,078 of Wolf et al.; claims 10, 22-25, and 28-29 stand rejected over Hussman in view of Wolf et al.; and claims 10 and 22-29 stand rejected over Russold in view of Wolf et al. Applicant traverses these grounds for rejection for the same reasons as expressed above with respect to the rejections under 35 U.S.C. § 102(b) on the basis of Roy, Hussman and Russold, and respectfully requests reconsideration.

**Conclusion**

Applicant believes the application is in condition for allowance and respectfully requests the same.

No fee should be required in connection with filing of this response. However, in the event that fees are required, the Director is hereby authorized to charge any such fees or credit overpayment, to Deposit Account No. 19-4455.

Respectfully submitted,

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